

Classifieds / Local

LEGAL NOTICES

NOTICE OF BALLOT TITLE MEASURE

Notice is hereby given, that on Tuesday, November 8, 2016 an election will be held in Baker County, Oregon. This will be a vote-by-mail election. The following shall be the ballot title for the measure submitted to the electors thereof:

CAPTION: THREE PERCENT TAX ON MARIJUANA SALES

QUESTION: Shall the City of Sumpter impose a three percent tax on the sale of marijuana products by a marijuana retailer.

SUMMARY: Approval of this measure would impose a three percent tax on the sale of marijuana by a recreational marijuana retailer within the City of Sumpter. Revenues generated by this tax are restricted to public safety operations. Oregon voters adopted Measure 91 in November, 2014, which was amended by the Oregon Legislature in 2015. Pursuant to this law the Oregon Liquor Control Commission must license the retail sale of recreational marijuana. The law provides that a city council may adopt a resolution imposing up to a three percent tax on the sale of marijuana products, which include marijuana concentrates, extracts, edibles, and other marijuana products intended for human consumption and use. Council must refer the resolution to the voters at a general election. The Sumpter City Council has enacted a resolution imposing a three percent tax on the sale of marijuana by a recreational marijuana retailer in the city and is referring the measure to the voters.

Any elector dissatisfied with this ballot title may file a petition for review of the ballot title in Baker County Circuit Court no later than 5:00 pm August 26th, 2016.

The ballot title is provided by the Sumpter City Council: copies may be obtained at 240 N. Mill St, Sumpter City Hall or by sending an email to: cityofsumpter@qwestoffice.net.

Sunridge hearing

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Brown said, "Mr. Clark, I expect that Mr. Town would return the \$13,000; it wasn't authorized."

Clark said, "I would certainly think so."

Brown asked whether Town had legal representation, and Clark said he did (David R. Auxier, of Baker City Law, was listed as Town's, and Town Properties, LLC's attorney).

Brown was referring to McClurg's Motion, in which, among other claimed issues with management of finances, prior to, during, and after the bankruptcy filing, she claims that Town "...withdrew and/or paid personal expenses from the Banner bank accounts post-petition in the amount of approximately \$13,000. Town is not an authorized signer on the debtor's current bank accounts because of concerns that Town will not be responsible in managing those accounts."

Brown criticized Clark for the timing of his Debtor's Supplement to its Opposition to the U.S. Trustee's Motion to Appoint Trustee, filed just prior to the hearing, without notification to Brown that he had done so. She said her staff happened to notice the Motion. "You didn't follow the local rules. If you're going to practice in this Court, you've got to play by the rules, which is, if you file something less than three days in advance of a hearing, you need to let us know..." Clark said, "I understand, your Honor; my apologies."

Brown discussed the sales contract (Clark said, in his Objection to the U.S. Trustee's Motion for Expedited Hearing, that a sale of the property was imminent, and that a contract was completed on August 3, 2016, the day he filed that Motion). Deepak and Kathy Prashar who own the Super 8 Motel and Motel 6 in Baker City would be the potential buyers.

Brown said that, according to the current contract, the buyer was required to provide a Promissory Note,

not cash, for the earnest money, and planned on financing the purchase price through a loan not yet approved at that time.

The debtor had until Monday, August 15, 2016 to provide the buyer with relative documents, such as CPA-prepared financial statements, which Brown said, "...we know you don't have. What's happening with that?" Clark said he spoke with RBC Royal Bank of Canada Senior Account Manager Michael Kim at great length, and he's working with the debtor and buyer, in order to facilitate approval of the financing. Clark said his understanding is that Kim had seen the property, along with the buyer, and Town and Wilson, he was pleased with what he saw, and if the Court approves the sale, he believes there will be a commitment letter issued.

Brown asked about the associated documents, and Clark said initially he wasn't sure if the CPA-prepared documents would be ready by August 15, but then he said, "By the 15th, I think it's altogether likely." He said he spoke with the CPA about that issue.

Brown said Clark claimed that the sale would pay the creditors in full, but she questioned the accuracy of that claim, because she said, according to the debtor's schedules, the claim is \$6.1 million. Clark said, "Well, it will probably come pretty close, because I think a lot of these claims are questionable."

McClurg interjected that the debtor's schedules were not accurate or reliable at that time, because there are discrepancies regarding the amount of creditors, and the total amount owed. Clark responded that those discrepancies have been addressed, including an amount owed to the IRS, and the claim has actually decreased.

Brown said that, while she wanted to reserve the possibility of an evidentiary hearing and understood the U.S. Trustee's concerns, she didn't want to schedule one at that time,

because she wanted to see if the debtor could pursue the sale. She repeated her concerns about the unauthorized \$13,000 taken by Town from the debtor, an issue she said only she raised. "No one else raised it. I'm like, 'What's he doing for the debtor, and why is he getting paid, and no, he's not authorized...' He needs to give it back...I think everybody realizes, somebody new needs to be in place."

McClurg said she wasn't certain of the exact corporate structure of the entities, and she stressed the urgency to hold a hearing to determine whether a fiduciary should be put into place. She mentioned the possibility of an independent fiduciary, and an issue with the provision allowing a potential buyer 60 days in which to pull out of the sale, were it to be approved, prompting Brown to say, "That's got to go. If I approve the sale, they're stuck. They don't get 60 days to think about it, after I approve the sale; that's just unheard of. But, be that as it may, I don't have a Motion to approve the sale, in front of me..."

Brown said to McClurg that, aside from the issue of the \$13,000, she didn't see anything so urgent at that point that the appointment of a trustee was warranted, or that a further hearing would need to be set, though she wanted to schedule another preliminary hearing. McClurg again stressed the issues involved, including the possibility of Town's absence on the eve of the sale, or the sale falling through.

Brown said, "Mr. Clark, you need to realize, your client's on a short leash with me, and if I have any further antics, you will get very little notice for an evidentiary hearing. Is that clear?" Clark said, "I don't question that for 30 seconds, your Honor, and I will definitely pass the word back."

McClurg expressed confusion about who was authorized to act on behalf of the debtor, regarding the potential sale, and Brown said she understood Wilson to be authorized.

Clark said Wilson had been authorized. McClurg said that a potential buyer may be confused, as to who could sign the closing documents. Brown said, "Well, we're a ways from closing documents, at this point..." Brown cited issues with the financial documents, and she said that those issues need to be cleared up, and the required documents need to be provided to the buyer, in order for the sale to be possible, and for the buyer to remain interested.

Brown scheduled a further preliminary hearing for Tuesday, September 6, 2016, 11 a.m., and she reminded Clark to be "...very proactive, and get this case put together...Don't just sit back and sort of think this case is going to take care of itself. I expect you to be really proactive, and get it put together, because, if you don't, I see this case cratering pretty fast."

McClurg requested a final evidentiary hearing shortly after the September 6 further preliminary hearing, if Clark isn't able to satisfactorily address all of the U.S. Trustee's concerns in its Motion, and Brown said she would be out of the Country from September 14, through October 1, so the parties would have to work around her schedule. After further comment, and pressing from McClurg, Brown said, "If you want me to rule today, Ms. McClurg, I will, and I will deny it, if that's what you want...Did you not hear me tell Mr. Clark that, if I determined a further hearing was necessary, it would be in short order?" McClurg said she did, and Brown said she would not schedule a final evidentiary hearing at that time.

Brown said, "I think I made myself pretty clear; they've got to get their act together, or a trustee will be appointed, and Mr. Town needs to pay back the money he took without authorization, and we need to make sure who is authorized to act for the debtor. I made myself very clear, I think. Unless this is resolved, I'll talk to you on September 6."

BTI teacher earns award



Submitted Photo.

Megan Alameda accepts her award.

An environmental sciences instructor in the rural, Eastern Oregon community of Baker City has been selected to receive the Presidential Innovators Award for Environmental Education. Megan Alameda accepted the award at the White House on Tuesday.

An instructor at Baker Technical Institute, a leading provider of Career Technical Education programs focused on developing the next generation of skilled workers and technology innovators, Alameda pioneered a class in which students transform a brownfield property from a potential community health risk to DEQ-approved property, which can then be repurposed.

What makes Alameda's story so compelling is that her innovative teaching approach is not only making a difference in the lives of her students, but in the health of her entire community.

Brownfields are more than just an eyesore. A brownfield is any property (old gas station, auto shop, dry cleaners, to name a few) that at one point in time may have been contaminated and now cannot be sold, bought or remodeled without first removing the contaminant.

According to the Agency for Toxic Substances and Disease Registry, high brownfield-per-capita rates are directly linked to poor community health, including the presence of toxins in the ground, air or water, which in turn lead to higher cancer rates and environment-related diseases.

"When you are surrounded by dilapidated places that no one cares for and that devalues neighborhoods and properties," explains Alameda, "it has a very negative effect on community self-esteem and how a community perceives itself."

Baker City, population 9,769, is home to 80 such brownfield sites.

Believed to be the only program of its kind in the nation, Alameda's students facilitate the brownfield cleanup process. Her hands-on, interdisciplinary program combines the history of the region with structural architecture, deconstruction analysis, toxicology, earth science and soil, hydrology and water systems as well as economics and urban growth. To date, Alameda's students have revitalized three brownfield sites.

With many rural students disillusioned with their community, Alameda says the program spurs young people to become more invested in their community.

"They become different kids by the end of the year," she says. "They begin to believe in what they can do. They become change-makers."

In a letter of support sent to the EPA, Eva Jones-Bedolla, one of Alameda's students writes: "Ms. Alameda has taught me that you can't turn a blind eye to the issues in our environment, and how even a small voice can make a difference. Ms. Alameda and her teaching have not only changed the outlook of my future, but my perspective of the world."

According to BTI president Doug Dalton, the success of Alameda's brownfield project will allow BTI to expand access to environmental science education to community learners and adults in the workforce.

"The early success of this program will also allow us to work on properties all across the region, allowing for economic development in areas that previously could not be used," says Dalton.

One of only 18 teachers nationwide to be selected for the honor, Alameda will be awarded \$2,500 to further her professional development in environmental education and an additional \$2,500 to fund BTI's environmental education efforts.

About Baker Technical Institute: Baker Technical Institute (BTI) is a leading provider of Career Technical Education programs focused on developing the next generation of skilled workers, technology innovators, entrepreneurs, and community leaders in rural communities. Headquartered in Baker City, Oregon, BTI offers cutting-edge education and training, leading to certification in high-salary, high-demand careers, such as agriculture sciences, building trades, natural resources/environmental sciences, engineering, health services, welding, and manufacturing. For more information, go to bakerti.org.

Ladies golf

July 27 Count your Par Fours: 1st Flight: Virginia Babski; 2nd Flight Karen Wollard; 3rd Flight: Carol Irvine Birdies: Virginia Babski (2 birdies);

August 3, Improve your lie: 1st Flight: Judy Karstens 2nd Flight 1st place Linda Taylor; 2nd place Tie: Kathy Hopkins-Margo Kenworthy; 3rd Flight Carol Irvine

Bridge Winners: July 27, 1st Martha Cassidy; 2nd Betty Combs; 3rd Della Steele. Aug 3, 1st Kathy Eidsen 2nd Della Steele; 3rd Sandy Grover.

Eastern Oregon film festival ahead

Eastern Oregon Film Festival (EOFF) will be celebrating its seventh annual program October 20-22.

Eastern Oregon University has stepped forward this year as a presenting sponsor. Skye Fitzgerald will share his most recent film "50 Feet From Syria" as part of the EOFF @ EOU

program, and is a portrait of surgeon Hisham Bismar as he delivers lifesaving medical care undeterred by the chaos and complexity of war a round him. The film serves as a snapshot in time of the plight of refugees displaced by the Syrian uprising. Prior to festival weekend, EOFF will present a segment at

Baker City's 'We Like Em Short' film festival Saturday, August 20th. EOFF will also be supporting a screening of 'City Girl' with original score performed by The Oregon East Symphony in Pendleton on October 1st at the Vert Auditorium.

Official festival passes and full program details

will be announced September 21st at the annual sneak peek, pass sale, and fundraiser event. More information on this energizing event coming soon.

For information contact Christopher Jennings, EOFF Board President and festival director at director@eofilmfest.com or 541-962-5799.